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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 DANIEL LEONARD,

9 Plaintiff,

10 v.

11 THE BOEING COMPANY,

12 Defendant.

C19-956 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Defendant's Motion to Dismiss, docket no. 13, is GRANTED in part and  
16 DENIED in part as follows:

17 (a) Plaintiff has abandoned his claim for negligent infliction of  
18 emotional distress, and the claim is DISMISSED with prejudice. *See* Pltf.'s Response,  
19 docket no. 16, at 8.

20 (b) Plaintiff's claim for age discrimination is DISMISSED without  
21 prejudice. Plaintiff has not alleged facts plausibly indicating he was terminated because  
22 of his age. Plaintiff may file an amended complaint within 20 days of the date of this  
23 Minute Order.

(c) Defendant's motion to dismiss Plaintiff's claim for breach of  
contract is DENIED. Assuming the truth of the allegations in Plaintiff's complaint,  
Plaintiff has not failed to state a plausible claim for breach of contract. *See Bell Atl.*  
*Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The cases Defendant cites were decided on  
motions for summary judgment after the parties engaged in discovery and developed the  
relevant facts and do not foreclose Plaintiff's claim at this stage of the proceedings. *Cf.*

1 *Mikkelsen v. Public Util. No. 1 of Kittitas Cnty.*, 189 Wn.2d 516 (2017); *Quedado v.*  
2 *Boeing*, 168 Wn. App. 363 (2012); *Drobny v. Boeing*, 80 Wn. App. 97 (1995).

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
4 record.

5 Dated this 26th day of August, 2019.

6 William M. McCool  
7 Clerk

8 s/Karen Dews  
9 Deputy Clerk